

HOUSE BILL 998

E1, E3

0lr0917

By: **Delegates Conaway and Anderson**

Introduced and read first time: February 12, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Juvenile Court Jurisdiction – Repeat Violent Offender**

3 FOR the purpose of establishing that the circuit court for a county sitting as the
4 juvenile court does not have jurisdiction over a child of at least a certain age
5 alleged to have committed a certain crime of violence after previously being
6 adjudicated and found to have committed at least three crimes of violence
7 unless a certain order removing the proceeding to the court has been filed; and
8 generally relating to children and crimes of violence.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 3–8A–03
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Courts and Judicial Proceedings**

17 3–8A–03.

18 (a) In addition to the jurisdiction specified in Subtitle 8 of this title, the court
19 has exclusive original jurisdiction over:

20 (1) A child who is alleged to be delinquent or in need of supervision or
21 who has received a citation for a violation;

22 (2) Except as provided in subsection (d)(6) of this section, a peace
23 order proceeding in which the respondent is a child; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) Proceedings arising under the Interstate Compact on Juveniles.

2 (b) The court has concurrent jurisdiction over proceedings against an adult
3 for the violation of § 3–8A–30 of this subtitle. However, the court may waive its
4 jurisdiction under this subsection upon its own motion or upon the motion of any party
5 to the proceeding, if charges against the adult arising from the same incident are
6 pending in the criminal court. Upon motion by either the State’s Attorney or the adult
7 charged under § 3–8A–30 of this subtitle, the court shall waive its jurisdiction, and the
8 adult shall be tried in the criminal court according to the usual criminal procedure.

9 (c) The jurisdiction of the court is concurrent with that of the District Court
10 in any criminal case arising under the compulsory public school attendance laws of
11 this State.

12 (d) The court does not have jurisdiction over:

13 (1) A child at least 14 years old alleged to have done an act which, if
14 committed by an adult, would be a crime punishable by death or life imprisonment, as
15 well as all other charges against the child arising out of the same incident, unless an
16 order removing the proceeding to the court has been filed under § 4–202 of the
17 Criminal Procedure Article;

18 (2) A child at least 16 years old alleged to have done an act in violation
19 of any provision of the Transportation Article or other traffic law or ordinance, except
20 an act that prescribes a penalty of incarceration;

21 (3) A child at least 16 years old alleged to have done an act in violation
22 of any provision of law, rule, or regulation governing the use or operation of a boat,
23 except an act that prescribes a penalty of incarceration;

24 (4) A child at least 16 years old alleged to have committed any of the
25 following crimes, as well as all other charges against the child arising out of the same
26 incident, unless an order removing the proceeding to the court has been filed under §
27 4–202 of the Criminal Procedure Article:

28 (i) Abduction;

29 (ii) Kidnapping;

30 (iii) Second degree murder;

31 (iv) Manslaughter, except involuntary manslaughter;

32 (v) Second degree rape;

33 (vi) Robbery under § 3–403 of the Criminal Law Article;

1 (vii) Second degree sexual offense under § 3–306(a)(1) of the
2 Criminal Law Article;

3 (viii) Third degree sexual offense under § 3–307(a)(1) of the
4 Criminal Law Article;

5 (ix) A crime in violation of § 5–133, § 5–134, § 5–138, or § 5–203
6 of the Public Safety Article;

7 (x) Using, wearing, carrying, or transporting a firearm during
8 and in relation to a drug trafficking crime under § 5–621 of the Criminal Law Article;

9 (xi) Use of a firearm under § 5–622 of the Criminal Law Article;

10 (xii) Carjacking or armed carjacking under § 3–405 of the
11 Criminal Law Article;

12 (xiii) Assault in the first degree under § 3–202 of the Criminal
13 Law Article;

14 (xiv) Attempted murder in the second degree under § 2–206 of the
15 Criminal Law Article;

16 (xv) Attempted rape in the second degree under § 3–310 of the
17 Criminal Law Article or attempted sexual offense in the second degree under § 3–312
18 of the Criminal Law Article;

19 (xvi) Attempted robbery under § 3–403 of the Criminal Law
20 Article; or

21 (xvii) A violation of § 4–203, § 4–204, § 4–404, or § 4–405 of the
22 Criminal Law Article;

23 (5) A child who previously has been convicted as an adult of a felony
24 and is subsequently alleged to have committed an act that would be a felony if
25 committed by an adult, unless an order removing the proceeding to the court has been
26 filed under § 4–202 of the Criminal Procedure Article; [or]

27 (6) A peace order proceeding in which the victim, as defined in §
28 3–8A–01(cc)(1)(ii) of this subtitle, is a person eligible for relief, as defined in § 4–501 of
29 the Family Law Article; **OR**

30 **(7) A CHILD AT LEAST 16 YEARS OLD ALLEGED TO HAVE**
31 **COMMITTED A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL**
32 **LAW ARTICLE AFTER PREVIOUSLY BEING ADJUDICATED AND FOUND TO HAVE**
33 **COMMITTED AT LEAST THREE CRIMES OF VIOLENCE AS DEFINED IN § 14–101 OF**
34 **THE CRIMINAL LAW ARTICLE, UNLESS AN ORDER REMOVING THE PROCEEDING**

1 TO THE COURT HAS BEEN FILED UNDER § 4-202 OF THE CRIMINAL PROCEDURE
2 ARTICLE.

3 (e) If the child is charged with two or more violations of the Maryland
4 Vehicle Law, another traffic law or ordinance, or the State Boat Act, allegedly arising
5 out of the same incident and which would result in the child being brought before both
6 the court and a court exercising criminal jurisdiction, the court has exclusive
7 jurisdiction over all of the charges.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2010.